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TWO MISPRISON CASES TRIED.

"Prince" Cupid and Mate Knudsen
Before Military Court.

NO ARGUMENTS WERE SUBMITTED.

Knudsen Explains. Through an Interpreter. His Actions in Helping to Land the Arms—Promised Captain Davies that He Would Keep Quiet About It.

Deputy Attorney-General A. G. M. Robertson occupied the Judge-Advocate's chair when the Military Commission assembled at 10 o'clock yesterday morning. Captain Robertson carries the honors of the position well and kept business moving.

The case of Jonah Kalaniana'ole, commonly known as Prince Cupid, was opened with the usual preliminaries. The charge against him was



CAPTAIN A. G. M. ROBERTSON, N. G. H., JUDGE-ADVOCATE.

misprision of treason. Counsel Neumann filed the same objection to the jurisdiction of the Court as has been offered in previous cases. It was overruled without discussion. The accused declined to plead on advice of counsel and the plea of not guilty was entered to each charge and specification.

Walter Blacker was the first witness called. At this point Mr. Neumann made the protest that he had not been given a list of the witnesses to which he had a right. The Court ruled that it was entirely in the hands of the Judge-Advocate whether a list was given the counsel or not. The failure to give this list did not constitute grounds to delay the proceedings of the Court.

Blacker was sworn and testified that he was employed by Cecil Brown in handling his horses near the park at Waikiki; was in the park January 6th and saw the accused late that afternoon in the lane near Campbell's house; he was coming from Bertelmann's house toward the park on horseback; came back toward Bertelmann's house in about twenty minutes. I was just inside the fence when I saw him the last time; said "good evening;" nothing more. It was between 8:30 and 4 o'clock when I first saw him. He was riding at a pretty good rate.

No cross-examination. Sam Nowlein was brought in and stated again that he had been engaged in a conspiracy with Gulek, Rickard and Seward; had asked the assistance of others; remembered sending the steamer to land arms latter part of December; arms landed beyond Diamond Head the night of the 3d; was out there the night of the 6th. Know the accused but never spoke to him of the affair.

Cross-examination:—Was told the steamer was dispatched; was told the arms were landed; knew what they were used for, because I handled them. Mr. Neumann asked that Nowlein's testimony be stricken out, as it was hearsay, but was overruled by the Court.

Charles Bartow was sworn as a witness:—Was at Kaalawai the 6th of January to fight to overthrow the Republic and restore the queen; had about 230 arms; some at Kahala and others at Kaalawai. There were a good many men assembled at Kaalawai cleaning guns and arming themselves.

Here Counsel Neumann objected to what he termed the leading questions of the Judge-Advocate. Captain Robertson stated that he was going over ground that had been rehearsed over and over again, and wished to dispose of it as soon as possible. Mr. Neumann held that this was an entirely separate case and would go on the record as such. His objection was overruled and the prosecution proceeded.

Guns were first brought to Kaalawai Saturday evening and Sunday morning and afternoon. I saw the accused Sunday noon at Kaalawai. He came upon horseback, and got off and went into the house. Antonie Rosa's didn't see him again; there were arms and ammunition in the house. The natives about were talking of the overthrow of the Government.

Cross-examination:—I did not see the accused go into the house. There were about ninety men at Kaalawai, heard Lot Lane and others talking of the overthrow of the Government; first knew of the movement Friday, don't know how long the accused was

in the house; eighty or ninety men about the house; had rifles and were walking around and on guard at the house.

Sam Kanahale:—Was at Kaalawai Sunday, January 6th. Arrived about 10 o'clock. When I got there men were bringing guns into Antonie Rosa's house; know the accused; saw him enter Rosa's house. It was late in the afternoon when he came; didn't see which way he came from, and didn't see him leave. No cross-examination.

Charles Warren was put on the stand and testified to being at Kahala January 6th cleaning arms. There were about thirty or forty men about the place in the morning and eighty or ninety in the evening. I passed guns and cartridges to the men and some went on guard and others staid in the house. I know the accused; saw him at Kahala sitting on the verandah of the house late in the afternoon, talking with Carl Widemann; armed men were inside the house and guards on the outside; accused staid about half an hour; did not see him go into the house; came and went on horseback. The witness then told the story of his connection with landing the arms substantially as has been related before.

Deputy-Marshal A. M. Brown was sworn:—Was at Waikiki about 5:30 the afternoon of January 6th; know the accused; saw him coming toward Diamond Head; I was in front of Bertelmann's house; he drove past me going toward Kahala; passed within four or five feet of me.

Cross-examination:—Was at Waikiki under orders from the Marshal to watch Bertelmann's place to see who came in and went out; had located arms at that time; did not speak to the accused; might have nodded; others came from the point; remember John Wise.

Attorney-General W. O. Smith was called to the stand. Know the accused. He did not make any report to the authorities of arms landed or located at Diamond Head. The Government was first aware of the fact Sunday evening, January 6th; late in the afternoon; information was to the effect that there were a large number of arms at Bertelmann's house; also landed at Diamond Head. Immediately this information was brought in Deputy Marshal Brown was sent to watch the place and later Captain Parker was sent with a search warrant.

The prosecution announced that it had finished its case. Just previous to the adjournment for the noon hour Counsel Neumann offered an objection to the action of the court in its disposition of sections in the statement of Liliuokalani. The court declined to recognize the objection.

AFTERNOON SESSION.

The Court assembled at 1:30. There were only a few spectators present.

Mr. Neumann said he deemed it unnecessary to introduce any evidence for the defense, for the prosecution had failed to make out its case against the defendant. He contended that the evidence brought out did not show that the accused took any part in the attempt to overthrow the Government. The fact of his being out at Rosa's place and returning could not be construed to mean that he knowingly had cognizance of the movement sufficiently to justify a conviction for misprision of treason.

Judge-Advocate Robertson said the evidence plainly showed that the defendant had knowledge of the movement and its purpose; that he saw crowds of armed men out Waikiki, and failed to report the same to the authorities. This in itself constituted misprision of treason, and of such the prisoner was guilty.

The Judge-Advocate announced the Government ready in some other cases of misprision of treason, and he would like to go on with these.

Andrew Knudsen, mate of the Waimanalo, was brought into court. He desired to see his Consul before entering a plea. Swedish Consul Weight was sent for, and had a rather lengthy conference with Knudsen, after which the prisoner announced he desired to be represented by counsel. Attorney Neumann volunteered to defend the prisoner without charge, as he was unable to employ anyone to assist him.

Corporal Evansen, of Company E, was sworn as interpreter. No objection was offered by the prisoner to the personnel of the court, and the case proceeded. Judge-Advocate Robertson read the charge against Knudsen, which embraced thirteen specifications of misprision of treason.

Mr. Neumann offered the same written objections to the jurisdiction of the court as those entered in former cases. Objection overruled.

A plea of not guilty was entered to the charge and specifications. Sam Nowlein was the first witness called. He told the same story regarding the plot against the Government as that given by him on previous occasion.

Captain William Davies:—Am captain steamer Waimanalo; last trip made in that vessel to Kaneohe and out to sea; knew Knudsen for about four months; he was mate on steamer Waimanalo; left on that trip 27th or 28th December; Rickard made arrangements with me to go to sea the day before, did not tell accused what I intended doing; met schooner on Sunday about twenty-five or thirty miles off Makapuu Point; Townsend, Hutchinson and Knudsen boarded the boat to shore that had arms in; Townsend, Hutchinson and Knudsen went off in boat from steamer at Rabbit Island, arms placed on shore house in plain view of all, while arms being put into whaleboat the accused I was at wheel, but short distance, defendant took no part in conversation about guns, he did not ask or I did not tell him, think every one there knew what arms were for, it was discussed often, defendant did some shooting with guns while out at sea; belts filled with cartridges when taken

aboard steamer from schooner; arrived in Honolulu Friday morning; told defendant keep matter secret; he understood what they were for; did not promise him anything extra for his services or for keeping matter secret.

Cross-examination:—At no time told defendant what guns he used for; (by Colonel Whiting—Wheel is at what part on hurricane deck.) Defendant been working for me off and on for three or four months.

Charles Warren was next called. He related the events in connection with the landing of arms and those interested in the movement. Knudsen helped row one of the boats that loaded arms; cartridges were in belts; arms lying loose on top

LILUOKALANI'S CASE CLOSED.

Argued and Submitted to the Military Court Yesterday.

CAPT KINNEY'S MASTER EFFORT.

Paul Neumann Gives His Reasons Why the Accused Should be Acquitted. The Judge-Advocate Answers the ex-Queen's Talented Attorney.

Yesterday's sessions of the Military Commission were entirely devoted to arguments. The Commission came in promptly at 10 o'clock, and, after the reading of the minutes, retired for consultation.

On returning, Colonel Whiting announced that certain passages of the statement made by Liluokalani must be withdrawn. A marked copy of the statement was handed to Mr. Neumann. The words which did not find favor were as follows:

"A minority of the foreign population made my action the pretext for overthrowing the monarchy, and, aided by the United States naval forces and representative established a new government."

"I owed no allegiance to the Provisional Government so established, nor to any power, or to anyone save the will of my people and the welfare of my country."

"And only those who were in practical rebellion against the constitutional government."

"All who uphold you in this unlawful proceeding may scorn and despise my word; but the offense of breaking and setting aside for a specific purpose the laws of your own nation, and disregarding all justice and fairness, may be to them and to you the source of an unhappy and much to be regretted legacy."

"The United States having first interfered in the interest of those founding the government of 1893 upon the basis of revolution concluded to leave to the Hawaiian people the selection of their own form of government."

"This selection was anticipated and prevented by the Provisional Government, who, being possessed of the military and police power of the kingdom, so cramped the electoral privileges that no free expression of their will was permitted to the people who were opposed to them."

Mr. Neumann objected to any sections being stricken out unless the whole document was rejected. His objection was overruled, and he proceeded with his argument. He again objected to the jurisdiction of the Commission, quoting from Winthrop on military law, as follows: "As to place and time: A military commission has jurisdiction only of offenses committed either on the theater of war or in a place under military government, or martial law, and committed during the war or the period of the exercise of such government or law." He held that, provided the accused was guilty of misprision, no act had been committed since the proclamation of martial law, and that she was amenable to the civil law; her's was an offense triable by the civil tribunals. Counsel put great stress upon the oath which the members of the Commission had taken, and that they must convict on the evidence. He then proceeded to a summary of the testimony given by the witnesses.

Kaee held a dual position—secretary to the queen; relative of Nowleins. All of his direct testimony shows that he knew nothing of a rebellion although an intimate and trusted servant of the accused; was confidential enough to question afterwards where were the Commissions that had been made out. Forms of commissions from Gulick; constitution from Nowleins; martial law and proclamation from Rickard. No testimony that the constitution was signed, only that it was delivered by Kaee to Nowleins after engrossment, and carried away. It is curious that, on the evening of January 8th, although present when arms were being distributed to thirty or forty men, he heard no orders, nor got none himself, and yet he was a relative of Nowleins' and trusted employee of the queen! He understood that an attack on Washington Place was to be prepared for, but so little was the dread, that he staid until between 10 and 11 o'clock before going home. He understood that arms were to be landed at Kakaako. The diary he thinks was burned by order of the queen; next breath he does not know whether by her order or somebody else's, although burned in his presence.

In his cross-examination he states that he has no knowledge of the orders given relative to the arms.

Kaee was steward, soldier and gardener. He is another one present at the distribution of arms on Thursday night but had none given to him. He saw the arms, so he says, saw them distributed to some forty or fifty people, yet did not see one single round of ammunition. He did not stand watch that night, although the evidence is that the watches were regular from six o'clock to midnight and from midnight to daylight. He went to bed at 9 o'clock and did not see the arms again until Sunday night. Yet, he says, Clark told him to clean the guns, be on the alert, and "when the time came to work to do it." His understanding of "work," as told to the Judge-Advocate, was to "fight." The order was given, as he says, by Clark between the hours of 6 and 7 o'clock, yet at 9 o'clock he was in bed, asleep. And asleep he staid until the arms had disappeared again and he went on guard, in the morning, unarmed. He was asleep all night, the Kakaako affair had happened during the time, yet he boldly accuses the accused with the news that the "work did not get on very favorably," and, he says, she answered "yes." The witness said to Judge-Advocate, that "work," he referred to "revolution."

I believe, and so does the court, I think, that Nowleins told the truth

when he stated, in answer to a question by the Judge-Advocate, that, he managed and planned the affair, to overthrow the Government, without any aid or assistance from the accused. He does not beat about the bush, his answers are straight and, although incriminating himself, he acknowledges the affair as his plan to restore the monarchy and by force. His story for the prosecution, as against himself, should receive proper recognition at the hands of the court and the accused. The Waimanalo went out. Nowleins sent her. The agents on board, Warren and Townsend, were Nowleins'. The date set for the uprising was January 2d. Nowleins knew it. Thursday was made the day for the venture, and, only then, does Nowleins believe that the hour is at hand for he gives orders to Clark for the arming of men to guard the residence and person of the accused while he, full of his mission, maybe believing that he may never again see his beloved chief, visits her, on her veranda, where she is sitting, surrounded by other ladies.

At 8:30 o'clock, on Sunday morning, Nowleins, the commander-in-chief, the manager and the planner, as he testifies, of the revolution, in order to be at hand when the move to be made takes place leaves Washington Place for Diamond Head, he bids adieu to his chief and, although with his mind full of the hazard, leaves the presence of the accused with lips still sealed to her of the purpose of his mission. "Then I went off," he says, and have not spoken off to the queen since leaving her on Sunday morning. The cross-examination is a clear and honest renunciation of having given any information to the accused about the rebellion or any intended plans or movements.

Captain Kinney opened the argument late in the forenoon and had not finished at the noon hour when a recess was taken to 1 o'clock. Captain Kinney's remarks were as follows: "May it please the gentlemen of the Commission: The acts of treason principally relied on, for there are thirteen counts, are the procuring and engaging of men for the purpose of carrying out a conspiracy to overthrow the Government, and of procuring of arms and ammunition for the same purpose, and the partial establishment and preparation of a government and a military force to take the place of the government that they intended to overthrow; all of which acts we contend are clearly acts of treason as soon as committed, and which we claim were within the guilty knowledge of the accused."

Now, some matters are undisputed and undisputable in this case. It cannot be disputed that an uprising has taken place. It is now practically a matter of history that after some long months of mutterings, agitation and incitement on the part of the press and supporters of the late monarchy the latter took an active and tangible step under the leadership of four men—Mr. Gulick, Mr. Seward, Mr. Rickard and Nowleins; and those four men procured the landing of arms both here and abroad, and ammunition, and enlisted or engaged men to take part in the undertaking; that when the affair came off that some 200 men were there armed and on the field with the intention of taking part with about 400 rifles, as shown by the evidence, and bombs and munitions of war gathered and partially used in attempting to carry out this purpose. It is also a matter undeniable that certain commissions, some eleven in number, for the principal offices under a monarchy were prepared and engrossed, and a new constitution, which fitted the uprising, and which was to be used in case the uprising was successful, was drawn and engrossed together with a proclamation of martial law, a proclamation for citizens to assemble at the station house and at the government building, and a proclamation that it had pleased Her Majesty to appoint to certain offices. This is history. This is not disputed by even the learned counsel. But it is contended that the accused was entirely unconscious of all this that was transpiring, and presents herself spotless and immaculate before this court with the statement, so far as this uprising, which the learned counsel characterizes and dignifies by the charge of an insurrection and a riot, is concerned, that her hands are clean, morally and legally, from any connection with it. Says the accused in her personal statement: "The movement undertaken by the Hawaiians last month was absolutely commenced without my knowledge, sanction, consent or assistance, directly or indirectly, and this fact is in truth well known to those who took part in it. I received no information from any one in regard to arms which were or which were to be procured, nor of any men who were induced, or to be induced, to join in any such uprising. I do not know why this information should have been withheld from me unless it was with a view to my personal safety or as a precautionary measure. It would not have received my sanction and I can assure the gentlemen of this Commission that had I known of any such intention I would have dissuaded the promoters from such a venture."

Now I submit and agree with counsel that this case should be decided upon the evidence, and I am willing and most earnestly desirous that it should be decided upon that and nothing else. I wish to call attention to certain facts which are practically undisputed in this case, before we come to the question of the knowledge of the accused of the entire affair. We find in the first place that the entire uprising was in behalf of the accused. It was according to her version a surprise party tendered to Her Majesty by the residents of these islands, a conspiracy far reaching, wide, and extending over months, but with a caution that was only equalled by their love and affection. The whole affair was hidden in a Christmas stocking to be opened on the Christmas morning that was to inaugurate the completion of all that could be desired. We draw men upon the fund of our credulity and advance to that point to which we must advance if we are to follow the witness' evidence which she has given before this Commission and which I am following. It is to follow, in my judgment, through swamp and marsh and you may well put on top of that before starting. Let us admit that in this surprise, the one who was to be surprised and receive the benefit of it did not know anything about it. We

have gone that far, and perhaps some foolish man may not be willing to accept that, but I am willing that we should start at that point. It is understood further that one of the four men who carried out this conspiracy actively, earnestly working night and day, was housed under the roof of innocence, her confidential servant and advisor, the man who among those four was selected to pass the word along throughout the island of Oahu, as he himself admits to everybody, to get ready to do the work when the time came to do it. I understand from this statement, made upon the honor of a queen, that this was going on when she was engaged as indicated by her statement, "To prevent the shedding of the blood of my people, natives and foreigners alike, I opposed armed interference, and quietly yielded to the armed forces brought against my throne, and submitted to the arbitrament of the Government of the United States the decision of my rights and those of the Hawaiian people. Since then, as is well known to all, I have pursued the path of peace and diplomatic discussion, and not that of internal strife." And while the mistress of the house was pursuing "the path of peace and diplomatic discussion," her head man, her confidential advisor, the one close to her, under her own roof, was pursuing the path of peace with a bucket full of bombs in his hand and a rifle pile full of rifles at his command, all under the roof of the accused. The learned counsel has reminded this Commission repeatedly of its oath, as if only the disregard of your oaths stood between the guilt of the accused. Let us swallow that. It turns out that while the accused was in pursuit of truth, some one, against her will evidently, and against her wishes, had smuggled this arsenal right into her own grounds, and in different parts of her yard, and that her household, forty in number, that Thursday night were armed to the teeth and surrounding her in the pursuit of peace and diplomatic discussion. We are told that she knew nothing about it. Some men in the bog suggested, might go over their heads at once, but I urge the Commission on, in order that no injustices may be done, to hunt out some solid piece of ground in eight and let us get on it if we can and think of this individual with forty men—the learned counsel says there were only ninety engaged in the war; we will take his say so for that—inside the acre lot occupied by the innocent accused, armed to the teeth that night, five of them within fifty feet of where she was in the habit of going to rest.

Upon the evidence it appears that certainly not over 200 men were in the field or prepared to go into the field, and out of those 200 men over 40 were in the Queen's yard ready to take a hand, according to their own evidence, and 50 out of the probable 400 rifles used were hidden on the premises as were also most of the bombs, only a few being elsewhere, and abundant ammunition for the forty men and the fifty rifles. The Queen is made to say in this statement that she had no information from anyone in regard to arms that were to be procured. That is a matter to be submitted to the Commission upon all the evidence. By the undisputed evidence it is shown that commissions were drawn by the direct order of the accused and signed by her on or about the 28th of December, at a time when the evidence shows the Waimanalo was out for the arms, the schooner had been sighted and the revolution was upon their hands whether or no. It further appears that within a few days of that time a proclamation by her of martial law, carrying with it all the significance that that document means, the proclamation to loyal citizens to rally to the support of the Government and to the preservation of property and her announcement that it pleased her to appoint certain persons were in her hands at Washington Place. Now the learned counsel would have us understand, while admitting all we allege in regard to these suggestive documents, asserts in cold blood that all this admitted action on her part was merely in the exercise of legitimate right in anticipation of a possibility of a legitimate restoration. It is unfortunate, is it not, that when this Commission is called upon to absorb that statement, the circumstances should be such that it turns out that out of eleven men who were commissioned, "legitimately and as a matter of right," nine are now in jail, one of them being in jail at the time, Nawahi, the intended governor of the island of Hawaii. It is unfortunate that at the time this Commission is called upon to absorb this statement, it turns out that the undisputed evidence, that this new constitution came direct from the hands of the three of the leading conspirators who had charge of this rebellion, Sam'l Nowleins, Mr. C. T. Gulick and Mr. Rickard, forsooth, drew the document which was to inaugurate a new era of liberty and contentment! It is strange, is it not, and unfortunate, that those proclamations, the proclamation of martial law, the proclamation to rally to the assistance of the proposed government and the announcement of the appointment of certain persons to hold commissions under this would-be Government, were drawn in the hands of C. T. Gulick, and found their way into the hands of innocence we know not how or when. It all may be true, but is it not unfortunate that these documents fitted from the hands of innocence to the hands of treason back and forward, until a discriminating public did not know who was who, or which was which—until the learned counsel stepped upon the stage and dividing the two and separating two, labeled one as innocence, and the other as high handed treason. It is certainly astonishing, is it not, that these documents should have passed from the hands of the accused just at the right time into the hands of traitors—men who had a bucket in one hand and these declarations in the other. In happy coincidence, strange coincidence, is it not? We are called upon to believe it without any hesitancy, and our oaths invoked as the only stumbling blocks in the way of believing it.

It is an unfortunate circumstance that it is not, that in 1893, out of the premises of this accused marched Wilcox and his men to Palama. Unfortunately coincidence—strange coincidence! An enemy going public accepted the declaration that her promises were used at that time without her knowledge, consent or authority, but when the thing comes back again in the shape of Washington Place turned into an arsenal without her knowledge, consent or approval, and while in the insidious pursuit of "peace and diplomatic discussion," if this Commission can swallow it, well and good, but I submit that it would be a rare exhibition of fortitude if the Commission can be led to the block. With whom, in the "pursuit of peace and diplomatic discussion," the discussion was going on, the learned counsel has not vouchsafed us information. It is to be hoped it is not going on upon Hawaiian soil now, or under the flag of the Republic, and I do not believe that it is.

However, with all the pursuit of peace and diplomatic discussion, and avoidance of internal strife, and the assurance of the accused that if she had known of this thing, she would have dissuaded the promoters from the venture, with all of this paraphernalia of peace, was concealed such an arsenal as was disgorged from Washington Place the other day that God knows what would have happened if the lady really had turned her mind to war instead of peace. Whether we would have a Gibraltar in that area lot, she probably could have diverged, but if these are traits of peace, then by all means let us take our chances at open war.

The accused has spoken feelingly of a charge of bloodthirstiness on the part of Hawaiians. I have not heard these charges. Has any one here at these trials charged the Hawaiian people as a blood thirsty people? Whose long bow was drawn when the accusation was made? It is made in the shape of an extra edition to sent off on the steamer, but here in this tribunal where all things are to be weighed and tested by the truth and nothing else, that accusation we must believe in deference to the lady, who has put it there, she signed without realizing what she said. It is true that the talk of wholesale decapitation, of forfeiture of property, and of banishment of wives and children, has been discussed in these unhappy two years, but I do not think any man laid it to the Hawaiian people, nor has any man before this Commission charged that they are a bloodthirsty people, nor has any man thought so. Any riot of any race is a bloodthirsty affair, and a thing to be avoided, a thing to be dreaded, a thing to be crushed. But more than that, no such accusation has come to my knowledge or with my consent before this Commission.

Now, it has been said here, and truly said, by the accused, that it would have been sad indeed if that doctrine of the Christian missionary fathers "taught to my people by them and those who succeeded them, should have fallen like the seed in the parable on the barren ground." This reverence for the missionary fathers, and as evinced between the lines, to their descendants, surely must effect all of that blood and lineage who have heard that announcement. Unfortunately, not being one either of that original stock or the descendants, can simply say that it is to be lamented. I think it is lamented by the learned counsel or any one undertaking the lady's defense, that her "pursuit of peace and diplomatic discussion" for the period of two years has been upon such barren ground within her own house and under her own roof. She must have been discouraged. We have heard of Elijah, who, after long years of service, in an hour of discouragement announced that there was not one in Israel who had bowed the knee to Baal. As the lady says here and listened to the disclosures that without her knowledge, without her sanction, and against her wishes and while she was in the pursuit of peace, her whole household that Thursday night was armed to the teeth, and every mother's son of them had bowed to Moloch. She must have exclaimed: What does it mean? Surely there is "barren ground." If that be peace, it is a different kind of peace than we have known in the past two years.

The learned counsel or the statement announces that the appointment of this Cabinet and the signing of these papers was an exercise of right in anticipation of a possibility of restoration. It is unfortunate, in conjunction with other unfortunate circumstances, that the lady, after having indulged in this innocent recreation, legitimate recreation, her right claimed in open court by the learned counsel, should, a very few days after this uprising, have had nothing to do with these papers, and lost all interest in believing these probabilities, and since that date they have been lost so securely that even that lynx-eyed Marshal of ours, who discovered bombs growing in a flower garden, and rifles in a rubbish pile, has not been able to find a trace of those legitimate possibilities since. If they are legitimate, it is to be hoped that counsel in the discharge of his arduous duties before the parting of the ways shall come, will furnish her with a new set for this legitimate use, for this legitimate possibility, which has not been explained to an interested public in any way whatever. But we have the assurance, and that ought to guide us, that this legitimate possibility is not at all connected with this uprising.

As an advance sheet of the prospectus for the new order of things, her statement does well, and it is wise it should go forward. It is unfortunate that as to her diary, which recorded the visits of the faithful who stayed by their fallen queen, and evinced their confidence in her hour of trial, that she should have so slighted them, or that she or her attendants should have had such a slight disregard of them that it was found necessary to burn and commit it to the ashes in the back yard before her arrest, and before the minions of the law came down. Perhaps it was a duty which under the circumstances she felt was more honored in the breach than in the observance. Certainly the gentlemen who visited her, and who are temporarily retired from public gaze, I have, no doubt, appreciated the act, and have nothing to say against it, but in the burning of documents of that kind, in the playful and innocent performance and exercise of a legitimate right is one of those stumbling blocks that I submit to the Commission and to their judgment.

I submit that the undisputed facts raised an irresistible presumption that she knew what was going on. Two-thirds of that affair ripened in her own yard under her own roof, and this whole defense I submit to the gentlemen of this Commission, cannot be raised above the dignity of a common police court defense in a petty larceny case. That is all it amounts to. The

fact that a queen stands on trial makes it all the more lamentable, but, with the light of truth upon it, it is simply that and nothing more. It is a defense that has its home and finds its greatest operation upon the criminal side of a petty court. Lamentable it is that it should have been offered here. There are men here born on the soil who have lived under the monarchy and accepted it until its acceptance meant a loss of self respect, and, although we are set down as the enemies of that lady and her illustrious predecessors, I submit there is not one of us who would have put her where she has been put today. Does this Commission believe that upon any probability, any human probability, if those men were armed that night—that Thursday night—the accused knew nothing about it? Every probability points to the fact that she did know. Even if by the selection of her own household we have to introduce someone here to prove it who they now say is a veritable Munchausen, that is their misfortune, but not our fault. The lady herself has testified that he, in the absence of Mr. Nowleins, was in charge of her household. It is undoubted that a company of men were there armed to the teeth that night, no other night and not before. Nowleins says he left the man orders. He had to introduce the man; he was put in charge. He was, however, put on the stand and if he is what they say, there rise up a cloud of witnesses, and the circumstances that carry Munchausen along and would carry the truth along whether he was there or not against a very much more substantial evidence than was offered in defense. It is a police court defense. It is an "Irish alibi" to the effect, that this lady, having eyes to see and ears to hear, and an understanding to grasp, neither saw, heard nor understood, though reason by the undisputed evidence unwrapped that house for months flitted out of those doors day and night and rested in the shape of that guilty shell in the privacy of her own room, and upon her own testimony.

This raises a decided presumption that as soon as we introduce the evidence of Kaee, of Nowleins, or Clark, and of Kaauwai, it clinches the matter, and ended all possibility of denial or escape. The learned counsel surprised us a good deal with the contention that it was not treason; there has been some remarkable advice given to these native rulers and at this hour looking back it must strike them with peculiar force. It is a matter of history that the royal brother of the lady who now stands accused at this bar, wrecked his throne with a carefully drawn opium bill and an outrageous opium bribery. Backed by white people who are lost to the light but who wrecked his throne, and when the people arose in resentment and demanded their rights, stood aloof, but when peace had come again, stood like Absalom at the King's gate and said "would that we had been here that we might do justice to this poor deluded people." The lady herself had referred to the 15th of January when she stood with the Lottery Bill in one hand and the New Constitution in the other, when she also wrecked her throne, and again, Absalom has been at the Queen's gate whispering, "would that I might right your wrongs." And the Absalom who acted as a party to it and brought it about now stands before this Commission and contends that the situation as it stands today is the result of the guilty advice of those now in power.

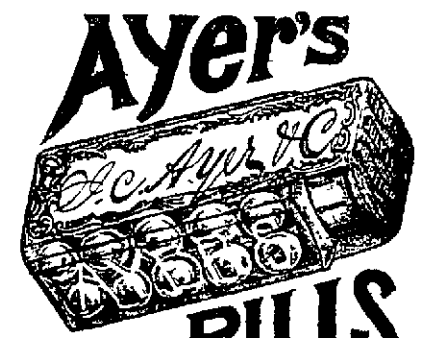
She has testified in that portion of her statement which is not stricken out, that she promulgated that constitution in 1893 with the advice and consent of her cabinet, she had squarely on the face of it that she had unquestionably been advised with the consent and advice of her cabinet, that she could abrogate the constitutional law of the land. What world of infinite mischief, designed mischief, there was in that advice, the records of the past two years have shown, it is to be hoped, has been shown to her who stands arraigned before this tribunal today. We are not responsible for that, and I submit that all the blame lies with the man who contends here in broad daylight, that what this accused has done is not treason to this Republic; that she could do all this within the limit of a legitimate right, and who also makes the contention that Kaee, a man who was there, and testified, was guilty of subornation of perjury and was levying war, but that she was not. His contention is that the man who saw this guilty thing go on and testify to the fact and who took no part in it is not guilty of treason; that the accused is not guilty, but this man is guilty of subornation of perjury! That learned counsel for the accused has taken frequent occasion to refer this Commission to the oath he has taken; allow me this once to refer him to it, and let me in justice remind him of his oath to this Republic, and his responsibility as a counsel of the courts of this country and as one who is before this community. This course is on a par with the guilty advice of the past; if the counsel has, from association with those charged with treason or with the accused has so mingled their confession and so blended in his mind their ideas of their guilt and his idea of treason that he does not know where he stands, well and good; but to charge here that a government in an hour like this cannot do what has been done with the provocation which the Republic has had is simply nonsense.

There is a good deal of the heroic in this paper. She waives all right to any immunity or any consideration for herself. There is a good deal in the heroic line that has been put in here, but the lady knows, if she knows anything, that with the men she is dealing with she can file packets of papers of that kind with perfect impunity, and it will be considered for what it is worth. Everything in this line is outside of the issue of this case. The lady knows, as all men know, that the object of this Government is not to gratify any personal vengeance or spite against her, but simply to prevent a repetition during the next two years of the pursuit of peace and diplomatic discussion, such as she has pursued during the past two years, and that outside of that they do not intend to raise their hand to do her any harm.

This is all very well for an extra edition to go abroad. It may have effect there, but it won't have any effect here, either to help her or to hurt her. What the present Government wants is peace. They are looking for peace, and they are holding the situation

with eyes still strained and turned to the mother country under whom this country has lived, moved and had its being, with the belief that she long her eyes will be opened and she will take us to herself and give us the peace and prosperity which she has stord for the past, and which we hope will do in the future, and give to us all what is right and just, and restore prosperity and peace in the land. The accused has reminded us, and it is well to put it to the Commission, that she is a woman, and much that is in her statement may well be passed by, leaving to your consideration whether this is any statement to make to the charge on which she is on trial. I submit to the Commission that by all the rules of evidence she is guilty of the charge preferred against her, and that it should be so found.

The exposure to all sorts and conditions of weather that a lumberman is called upon to endure in the camp often produces severe colds which, not promptly checked, result in congestion or pneumonia. Mr. J. O. Davenport, ex-manager of the Fort Bragg Redwood Co., an immense institution at Fort Bragg, Cal., says they sell large quantities of Chamberlain's Cough Remedy at the company's store and that he himself used this remedy for a severe cold and obtained immediate relief. This medicine prevents any tendency of a cold toward pneumonia and insures a prompt recovery. For sale by all dealers. BENSON, SMITH & Co. Agents for H. I.



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REPAIRS IN LAMBER, WINDOWS, DOORS AND BUILDERS HARDWARE. WALL PAPER, PAINTS AND OILS. STORE AND RETAIL. 1825-19

What Dame Rumor and the Officials
Have to Say.

MINISTER WILLIS TALKS FREELY.

Attorney-General and Consul Mills Tell
What They Know—First Denial on All
Sides—How the Story Ran and How
the "Wholesale Deporting" Came Out.

(From Saturday's Daily.)

A more contagious fever of rumor news never struck this community than that which swept over the town previous to the departure of the Mariposa. To all appearances they were founded on fact and more than one man was ready to stake his "little all" on naming the political prisoners whom the Government was intending to send out of the country.

Plenty of men and women at the wharf expected to have an opportunity to bid farewell to Greig, Widemann and Marshall, and Dame Rumor only knows who else, and when they were disappointed, everybody with a "straight tip" wondered what it all meant. Not a few were so certain of what was to happen that they said they were prepared to enter a protest, should events confirm the predictions.

The crowd waited—no prisoners appeared. The crowd continues to wait, and the prisoners, with one exception, are behind the walls of Oahu Prison. Then the crowd began to look about for reasons.

The story, as it passed from mouth to mouth, was rather feasible, and ran something like the following: The Government had decided to deport some ten prisoners, among them being Widemann, Greig and Marshall. The presence of Judge Widemann on the wharf with a hand satchel and a guitar added credence to the Widemann part of the story. The Government was prepared to carry out its plans, when Minister Willis protested against men convicted of political crimes being put on board a vessel flying the American flag. Furthermore, the recent immigration laws of the United States would not allow any such men to enter the country. In pursuance with this idea Consul Mills had held the clearance papers of the vessel until assurance was received that no attempt would be made to put these men on board. President Dole and Ministers King and Smith were on the steamer and got together in the captain's cabin. There they were rumored to have come to a decision that they had better let the matter lay over to some more auspicious season. Consul Mills went on board with the clearance papers and the steamer sailed, a little after 5 o'clock with but one political passenger and he a most willing member of the ship's company. This is the story and to prove its truth or falsity a representative of the ADVERTISER called upon members of the Government, Minister Willis and Consul Mills.

Attorney-General Smith said, "I can't see how such a thing got started. We have not thought of such a thing as deporting any men who have been before the Court. I think we have more use for Greig and Widemann here than in the United States. There is no foundation whatever for the rumor."

Consul Mills was seen at the American Legation last evening. He said: "I had no official notice of any deportation. I heard the rumor on the street, and went to the steamer to see what truth there was in it. Marshall is the only man of the three that our Government has an interest in. I didn't refuse the clearance papers or think of it. We usually have considerable correspondence which we take to the steamer after the mail has closed, and I usually have the clearance papers filled out so as to take them down with the late letters. I had no communications from the Government or Mr. Willis."

When Minister Willis was asked whether he had received any notice of an intended deportation of prisoners, he replied, "No, I was informed quite to the contrary, I did not enter any protest or make any request to hold the steamer. In fact, I have not yet filed the protest consequent to the deporting affair last Saturday. It is farthest from my purpose or desire to take any action which would tend to embarrass this Government. I have the most friendly feelings toward the officials. I know they are pressed with many difficult questions, and are using their best

judgment in the solution of the problems. Of course, it is my duty to look after the interests of American citizens, but I most certainly have no intention of making any unnecessary trouble for the representatives of the Government in so doing. I had no information that a deportation was intended today."

LATEST NEWS FROM MAUI.

February Evening of the Makawao
Literary Society

MILLS SHUT DOWN FOR A MONTH.

MAUI, Feb. 9.—During last evening, the 8th inst., the regular monthly meeting of the Makawao Literary Society took place in the pretty parlors of Dr. J. P. Aiken, at Paia. Four score residents of Makawao, Spreckelsville and Wailuku assembled, not only for sociability, but to listen to the following interesting programme:

Piano Solo.....Miss Chamberlain
Tableaux { Fair Ladies waiting for Cupid's
Throw, and Cupid Resting
From His Labors.
Vocal Solo.....Mrs. P. B. Aiken
Recitation—"Christmas Night"
Whistling Chorus, with Viola Accompaniment (encore)
Popular Songs, represented by objects and tableaux vivants—"Jingle Bells," "Little Brown Jug," "Last Rose of Summer," "Daisy Bell," "Yankee Doodle," "Coming Thro' the Rye," "Paddle Your Own Canoe," "The Star Spangled Banner."

The finale was the singing of the last mentioned song by the audience. After coffee and sandwiches, and long chats on the veranda, this pleasant bit of social life came to an end.

During Thursday night, Deputy-Sheriff W. H. King scooped in ten Chinese gamblers at Keokea, Kula. They were playing their simple domino game, but readily gave the necessary \$10 bail. The majority forfeited their money on learning that one of their number had turned state's evidence.

"What a fool John Richardson was for going to Honolulu." So say John's friends when quizzed concerning his recent arrest for treason.

During the week Hamakua and Paia mills have shut down for a month. The cane is still green and during the shut down will probably develop more saccharine matter. Hamakua has already taken off about 1000 tons.

Mr. Wells of the Honolulu Chinese school, has visited Craigielea and Haleakala during the week.

Miss Jennie Bates of Kamehameha school, has been the guest of Miss Malone of Waihee.

Prince Alva, a pupil of the Kamehameha preparatory, has been spending some holidays on Maui.

Mr. and Mrs. Linda, of Makawao, Kauai, are the guests of Mr. and Mrs. Gilhus of Hamakua.

On Wednesday, the 6th, Mr. Hubert Edson, a prominent chemist of Louisiana, arrived in Makawao and during the present grinding season will spend his time in analyzing cane juice produced on Hamakua and Paia plantations.

During the week Dr. Aiken has been vaccinating quite a number of Makawao school children.

Mr. and Mrs. C. B. Olesen, of Spreckelsville, old Maui residents, will soon seek a new home in the United States. T. Lyons for the present has charge of the Spreckelsville store vice Olesen.

During the week a petition for the closing of the old Kula road has been in circulation.

Last Tuesday, the 5th, the Makawao Ladies' Aid Society elected the following officers for 1895: Mrs. D. C. Lindsay, president; Mrs. P. J. Aiken, vice-president; Mrs. G. E. Simpson, secretary; Mrs. W. Ogg, treasurer; and Mrs. H. P. Baldwin and Miss Aiken, basket committee.

During the week Mrs. Roland Wilbur returned to Hamakua from the United States and will remain permanently.

The four-master Wm. Bowden, Djerim, master, departed today for Honolulu.

Weather:—More quiescent and warmer than last week.

Sailors' Home Officers.

The annual meeting of the Sailors' Home Society was held on Saturday. After routine business was transacted the following officers were elected: President, James I. Dowsett, vice-president, A. S. Cleghorn; secretary, F. A. Schaefer; treasurer, P. C. Jones, auditor, Tom May; executive committee, J. B. Atherton, A. S. Cleghorn and C. M. Cooke.

The following trustees were chosen: James I. Dowsett, J. T. Waterhouse, J. B. Atherton, John Ena, F. W. Damon, A. Fuller, P. C. Jones and J. F. Hackfeld.



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Ribbons, Laces and Embroidery, Cutlery, Perfumery and Soaps, &c., &c., &c., &c., &c.

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Sole Agents for the Hawaiian Islands.

Hawaiian Gazette

SEMI-WEEKLY.

TUESDAY, FEBRUARY 12, 1895.

The calling of an extra session of Congress will be looked upon with favor in this country. The incoming body will undoubtedly be strongly opposed to a policy of indifference towards these islands, and though the annexation movement might not be pushed to completion, the question would be kept alive and the way made clear for more positive action at a later day.

One listening to the evidence of the witnesses before the Military Commission little realizes the amount of labor entailed in preparing the testimony that rolls out with such apparent ease at the call of the prosecuting officer. The preparation of the testimony has necessitated a physical and nervous strain that is fully realized only by those who have been laboring early and late, in season and out of season, in following out clues and making the cases ready for the court. Much credit is due Messrs. Kinney, Carter, Robertson and Castle, who, though they do not appear prominently before the public, have constituted the working arm which has enabled all proceedings to be carried on without delay.

Now Hawaii is being looked to as an assistant in solving the race problem of the Southern States. The proposed scheme of shipping the superfluous negro population to this country is at once novel and impracticable. The race problem of this country is already sufficiently complicated without dumping a crowd of irresponsible negroes on our shores, notwithstanding "the climate is similar to that of the South, and the conditions of life would not necessitate a material change." Possibly we should feel deeply honored with being regarded as able to solve a problem that is puzzling the brains of a much larger and more powerful Republic, but the crown will certainly have to be refused on this occasion. This is a form of glory not sought for in Hawaii.

ALLEGIANCE TO THE REPUBLIC FIRST.

Champions of the new annexation movement have practically begun to put their ideas into operation, and we have reason to believe that ultimate success will attend their efforts. Unity of action and constantly keeping at it, together with the present spirit of the American people, are bound to bring about the desired result—political and commercial union with the United States. One all-important necessity should not slip the minds of the leaders of the new recruits: The first duty of whatever political clubs may be formed, with this purpose in view, is to give formal allegiance to the Republic. It is proposed to inaugurate the campaign of annexation among a class of people many of whom have denied the right of the Republic to exist, and, while they may not have come out in open opposition, certainly have done little to add to its stability. It would be the height of political foolishness to continue an anti-Republic policy in clubs formed for obtaining political union with the United States.

The Republic was formed as the indirect result of a determined annexation movement, and still exists with that object in view. We must present a solid phalanx to that country, and not a house divided against itself. Strengthening the present recognized government is proof of the country's fitness to take on the dignity of statehood, which must constitute one of the best arguments of the case in presenting it to the American people. How much better is it to appear before those who have the power to accept or reject, a healthy, robust nation, rather than a weakling, torn with internal disorders pleading the protection of an all-powerful hand to save us from the turmoil which we have failed to subdue. A strong rally to allegiance to the Republic is the first necessity of the new annexation era.

THE "CIVILIZED WORLD."

When a man who knows so little about the past, present and future conditions of this country that he knows everything, desires to give force to his opinions upon our affairs, he shrouds his arguments in the cloak of superiority which he is pleased to term the verdict of the "civilized world." With a tender thoughtfulness, not always necessitated, he kindly informs the people of Hawaii that the eyes of that indefinite "civilized world" are upon them. This is a wonderfully strong expression on account of the length and breadth, the beautiful generality that always accompanies it. When the man with a grievance is argued out of every possible corner, we know of no better haven of refuge than this same combination of words. It has a learned, mysterious sound.

The civilized world is a great and good affair and we would certainly be the last to cast reflections upon it from the simple fact that the citizens of this country, the men who have the fate of the nation in their hands, are part and parcel of that same "civilized world." They are possessed of the same principles of humanity and justice that prompt each and every other section of the world which has the good fortune to include civilized beings in its make-up. The man or woman of self-esteem broad ideas should call to mind that every nook and corner of the "civilized world" has conditions peculiar alone to itself, and no one is better able to judge of those conditions than persons coming in daily contact with them.

It is an interesting fact that good Republicans from the Northern States of America, who have spent a good portion of their lives crying down the Democrats of the South, once they come to live in the Southern States, become as good Democrats as they were Republicans in the North. But by so doing they do not forego their right to be considered members in good standing of the "civilized world." Certainly not. The conditions have changed, and the plucky Northerner finds that what's sauce for the goose is not always sauce for the gander. The "civilized world" might hold up its hands in holy horror should a resident of Hawaii go into Delmonico's, New York, and eat poi with his fingers. Notwithstanding this, it is no one's business but his own how this man satiates his cravings of hunger, and when more of the "civilized world" have eaten poi they would doubtless pursue the same methods. Just so with the political conditions of Hawaii. Let the "civilized world" spend a life time in this country and many members would wonder that they had talked so foolishly. The same principles of civilization are regarded by this Government that hold sway in the most advanced communities of Europe and America, and no one is better able to judge what is good and just in Hawaii than the citizens of Hawaii.

A REPUBLICAN OPINION.

The San Francisco Chronicle, after reviewing the history of the United States in its Hawaiian policy, takes the following editorial view of the situation as it appears today:

The actions of the President and Secretary Gresham since the news came of the royalist uprising would be amusing if they were not so contemptible. They did not dare resist public opinion any longer, and orders were issued at once for the Philadelphia to repair to Honolulu. It must have been galling to them. They cannot but know that the country will recall the earnest warning of Admiral Walker and the words that have been uttered in the Senate. Still it had to be done. If the Philadelphia had not been ordered to sail at once there would have been a storm of indignation that would have forced Congress to act in some manner. But now comes another semi-official explanation from the White House, apparently sent out for the purpose, at least with the hope, of breaking the force of the public criticism of the course of Cleveland and Gresham. The vessel is sent to Honolulu, the President says, not because there has been any change in the policy of the administration, nor because there seems to be any imminent necessity, but only as a precautionary measure for the protection of American residents. "All who take any interest in the question," says Mr. Cleveland, "should keep in view that Hawaii is entirely independent of us, and that

in its relation to us it is a foreign country." Thereupon he makes public the instructions sent by Gresham to Admiral Beardslee and to Minister Willis. The whole of these instructions may be summed up in the word non-intervention. The disgraceful inconsistency of these absurd pretensions is seen at once, when the course of the President and Mr. Gresham toward the Provisional Government of Hawaii is recalled. When Cleveland was inaugurated there had been a revolution in the islands. The revolution was an accomplished fact. The Provisional Government had been recognized not only by the United States, but by other foreign powers. Nevertheless Mr. Cleveland and Secretary Gresham deliberately planned to overthrow that Government and to reinstate the deposed Queen. It was a plan of non-intervention with a vengeance. When the history of the United States for the nineteenth century is written it will contain no single incident so entirely disgraceful as the Hawaiian policy of President Cleveland.

BROAD FOREIGN POLICY.

The result of the vote upon the Nicaraguan bill, which was to have been taken on the day following the latest advices of the Coast, is awaited with no little interest. With the United States in control of the Nicaraguan canal, the importance of Hawaii as an outpost of the Western Coast is enhanced another degree, and the necessity of a more tangible attitude than that of non-interference put beyond the shadow of a doubt. The day has gone by when the United States can rest quietly with no broader foreign policy than is contained within the Monroe doctrine that has done duty for so many years. While it is not necessary for that country to go about seeking what weak and insignificant country it may devour with a view to becoming a colonizing power, there are outlying districts of the North American continent over which the nations of the world have acceded, sometimes willingly, the right of the United States to exercise a moral suzerainty, and furthermore, as these come to occupy a more prominent position in the commercial world, to admit the right of a physical suzerainty. Just what disposition the United States will make of this right is left for that country to decide, but it is not probable that the kindly-disposed nations will stand by many years and silently witness or consent to a dog-in-the-manger policy or one subject to the whims of political partizanship. The day will come when James G. Blaine's "jingoisms" will be looked upon in a very different light by the American people irrespective of party affiliations.

As the nation grows and its citizens scatter and obtain property rights in foreign countries, it will be in duty bound to give protection that will inspire more awe than a small vessel armed with a few smooth-bore guns. The action of Senator Quay, anticipating an armed protection of the Nicaragua canal, and of Senator Morgan for establishing a naval station at Pearl Harbor, are evidences of the inauguration of a broad policy worthy of the greatest republic of the world.

MEMBERS of the American Congress are taking it for granted that the representatives of the English Government are intimate followers and supporters of the ex-queen, and, upon that as a basis, are making extravagant statements which the more recent political history of this country will not uphold. While it cannot be denied that individual British subjects continue the disposition to favor royalty, the diplomatic relations of England to this country are thoroughly neutral, as stated in a London dispatch. While in view of the liberty of speech allowed in American Congressional halls it is a matter of no particular importance, individual members are making themselves liable to be called to account by their opponents, if from no other source. The cycle of political change has brought about a peculiar condition which will, doubtless, surprise Americans when they come to know the facts.

Thomas Evans, the Japanese labor contractor, arrived on the Claudine yesterday. He visited all the sugar plantations on Hawaii and Maui while absent, and secured orders for a number of Japanese laborers.

POINTS ON JAPANESE WAGES.

Frank G. Carpenter, in a recent letter from Japan, gives a very good idea of the barriers which confront the Anglo-Saxon in the possibility of coming into direct competition with Asiatic labor. He states that although wages have been increasing since the modern civilization has come into Japan, they are still very low, and the reduction in the price of silver just about cuts them in half. The figures which follow are in Japanese currency, and if they were in American money they would be just half of what is here given:

Common laborers receive from 10 to 20 cents a day, and the men who pull carts and practically take the place of our dray horses get from 10 to 15 cents. In the cities the prices are higher than these, but farm laborers often receive less than 15 cents a day. Carpenters get from 40 to 50 cents. Head cartmen receive from 25 to 40 cents a day, and paper-hangers get from 10 cents upward. Blacksmiths are paid from 23 to 38 cents, and painters about the same.

Many boys work for about 10 cents a day, and, it is stated, that the clerks in the stores who get \$15 a month thought they were doing exceedingly well. Many clerks work for their board and their clothes, with the understanding that after an apprenticeship of about ten years the merchant will give them a small stock of goods and allow them to start out for themselves.

The laborer now receiving from \$2 to \$3 a day, after the most casual study of these figures, can well appreciate that a problem of no mean proportion confronts him as the influence of the aggressive Japanese begins to be felt outside the mother country.

THE chief reason for the great increase in the sugar beet crop of Germany is the great profit received from the cultivation. United States Consul Mason, of Frankfurt, reports in 1894 to the State Department, that the sugar beet factories paid dividends from 7 per cent. to 30 per cent., and in some cases, which he cites, even larger dividends. The excessive profits stimulate the industry and cause an increased product.

THE election of Stephen B. Elkins to the United States Senate from West Virginia gives ex-President Harrison an able friend at the Capitol. It will not be surprising if the Harrison and McKinley forces join drives in the Presidential race of '96. With friends of the Elkins and Boutelle type, Reed's followers will find opponents of no mean calibre.

DESPONDENT WOMAN SUICIDES.

She Makes Several Attempts and Succeeds at Last.

Maria Casta, a Portuguese woman, and a victim of despondency, committed suicide yesterday morning at her home on Beretania street, within a few feet of her husband and children.

At daylight the woman awakened, got up out of bed and left the room. She did not return for quite a while and her husband, becoming anxious, went out in search of her. To his amazement and horror he found her hanging by a rope which had been attached to the top of the door frame.

She was cut down by her son and Deputy-Marshal Brown was sent for immediately. Upon his arrival with Dr. Cooper it was found that nothing could be done. The woman had strangled herself to death.

A coroner's jury composed of J. Madeiros, John Tomas, J. Santos, A. Marmonte, M. G. Silva and J. G. Silva was chosen and adjourned until noon today.

Deceased who was forty-eight years of age had been out of her head a long while before suiciding, and had made several attempts at taking her life previous to yesterday.

A Recommendation from Los Angeles.

632 Castelar St., LOS ANGELES, Cal.—After having suffered for a long time from acute rheumatism without obtaining relief, I used Chamberlain's Pain Balm and was almost immediately relieved. I highly recommend this as the best medicine known. D. M. HAMPTON. For sale by all dealers. BENSON, SMITH & Co. Agents for H. I.

FIJI VISITED BY HURRICANE.

Shipwreck and Loss of Life Reported

A Remarkable feat of Endurance Fate of the Bark Ophir and Cargo.

The Union Company's steamer Ohau arrived from Suva on January 18, bringing intelligence of the Fiji group having been visited by a most destructive hurricane on the 6th and 7th instant, says the Auckland Herald of January 26th.

The hurricane appears to have come from the direction of Samoa, and reached the group at Rambi and Taviuni, traveling in a direct line through to Suva, thence going in a southwesterly course. So far the following reports are to hand: Island of Taviuni devastated. The coconuts are all spoiled and trees broken down. It will take at least four years to recover. Nearly all the houses are wrecked.

Levuka felt it very badly. Nearly every old building is flat. The newer houses, though not down, suffered in straining and the perfect deluge of water that accompanied the wind. The town hall was blown flat. At Levuka, however, as usual, the shipping suffered very severely. Nine cutters of from five to twenty tons were lost, and the bark Ophir, with 600 tons of copra, was made a perfect wreck.

Rewa suffered also badly. Thirty lighters are under water, and also two launches. A lot of cane is blown down and spoiled. The mill stood well, but the manager's house and the officers' quarters were unroofed or blown down. In the Lower Rewa town, three-quarters of the houses are down, and several natives were killed. The Wesleyan church was partially spoiled. The river rose fifteen feet, but fell quickly again.

At Suva the damage is appalling. Three churches, including the Presbyterian, are in pieces blown and scattered all over the place. The Customhouse and Bond are wrecked, and many houses are flat. The Mikado held well—did not drag at all—but the Elsinore went across the harbor, but was not wrecked.

A remarkable instance of endurance is reported from Levuka. A Fijian and Rotuman were on board a cutter lying close to the bark Ophir, the wind in the evening being from the southeast. During the night the cutter broke away owing to the Ophir coming into collision with her. The men at once jumped overboard and commenced to swim, as they thought, for the beach of Levuka, being unaware that the wind had changed to the west. After several hours' swim they reached the reef at Batiki, a distance of about eighteen miles. After a short rest they started for the shore. The Rotuman reached the beach, but his comrade was either drowned or caught by a shark.

TELEGRAPHIC BREVITIES.

War is threatened between Guatemala and Mexico.

Cruiser Olympia has been turned over to the government.

Ex-Congressman Eben F. Stone of Newburyport, Mass., is dead.

Edward Solomon, composer of comic opera, died recently in London.

Lexow, the New York statesman, has been accused of buying votes.

John Eno, inventor of a steam man and other things is dead at Newark, N. J.

The House Judiciary Committee refuses to vote for the impeachment of Judge Ricks.

Domestic discord is said to be the cause of President Casimir-Perier's downfall.

The Reilly Pacific Railroad funding bill is meeting with strong opposition in the House.

The United States will use its good offices to prevent war between Guatemala and Mexico.

Colusa, Cal., is surrounded on all sides by water. Great damage has been done to fruit trees and farms. A cable says that the German bark Martha Bockhahn cleared at Liverpool on the 9th ult., for Honolulu.

Bourgeois, to whom was intrusted the formation of a new French cabinet, has failed to accomplish the work.

George C. Perkins has been elected U. S. Senator from California to fill the unexpired term of Leland Stanford.

The great trolley strike at Brooklyn is about ended. Cars are being operated on all the main arteries of travel.

Claus Spreckels has interested himself in the San Joaquin Valley railroad, which is to be built in opposition to the Southern Pacific.

Timely Topics

February 4, 1895.

The outlook for the sugar industry in the United States is at least blue and how it is to be made brighter is beyond the ken of the average man. The nation cries out against any further tariff tinkering, the farmer uses his voice against the bounty and the sugar producer of Louisiana has grown hoarse in denouncing free sugar as an insult to American industries. Verily the producer and the legislator are between "the devil and the deep blue sea." Nor is sugar the only staple that is sailing in troubled waters; closely allied to it is the meat industry, between the United States and Europe there has been a sort of interchange of commercial relations that has been considered, generally, mutually satisfactory, but, if the United States will not sweeten its coffee with German sugar Uncle Sam cannot expect Uncle Fritz to gorge himself on American spareribs. In this instance retaliation works harder on the United States than it does on Europe. How long can the American producer continue selling sugar at a half cent a pound under cost of making? And where is the remedy except in cutting off the production and planting the fields with something more profitable. There's no help in legislation; to add to the duty would make the situation worse for the legislators through the power of the trusts that would be worked against them. Influence cannot be brought to bear upon the European governments to reduce the bounty because the interests of their people are at stake and must be protected. Take off the duty and the position is worse because the day of bounties to the producer of any particular article in the United States is buried with the dead past. We would suggest that the matter be submitted to the committee on dehorning hydraulic rams, in the American Congress and let them find a relief.

The Clauss Knives are without question the best thing in the world for cutting warm bread or cake; best because of the facility with which they go through the materials. For young married ladies who persist in baking their own bread these knives are particularly recommended because all weighty effects are removed by their use.

A fish scaler for a quarter is one of the best investments you can make because its use saves time. Besides the scales are more thoroughly removed from the fish than with a knife.

We have received another invoice of the large size Pansy Stoves. We consider this the best wood or coal stove on the market because it is a quick heater, and uses very little fuel. We've sold thousands of them and every one has given satisfaction. The price is easy for an article as good as this. The Dietz Oil Stoves will arrive within the next two weeks. If you prefer using oil to wood or coal the Dietz is the best stove we have ever seen for the purpose. If you contemplate buying a new oil stove wait and examine the Dietz. It will broil, fry or bake as well as the best coal stove you ever saw, perhaps a little better.

The Hawaiian Hardware Co. Ltd.
Opposite Spreckels' Block,
207 FORT STREET.

LOCAL BREVITIES.

There are 140 prisoners in the barracks.

St. Valentine's Day will fall on Thursday.

Sugar was quoted at 3½ cents on the 23d ult.

Sheriff Lorin A. Andrews is down from Maui.

Sheriff Andrews will return to Maui this afternoon.

C. M. Cooke is expected to return by the next Australia.

The chaplain of the flagship Philadelphia is a Methodist.

Fleet Surgeon Winslow's wife and children will arrive on the Alameda.

Limapapu, a rebel lieutenant, was captured at Kikihale on Saturday.

Six vessels flying the American flag arrived in port yesterday from various points.

A number of natives will be arraigned this morning before the Military Court.

A friend recently donated a typewriter to the Y. M. C. A. for educational work purposes.

Naeone, a native, who took part in the fight at Moiliili, was arrested on Saturday afternoon.

Thirty-six creditors have proved claims amounting to \$27,126.19 against C. L. Brito, a bankrupt.

Major Potter served fifty-seven native prisoners with papers last night charging them with treason.

Thirty-two members of the Gait Troupe are due in Honolulu March 14th, en route to the Colonies.

Dr. Emerson is working hard on the history of the late rebellion. It promises to be accurate as well as interesting.

Bruce Cartwright is the owner of one of the rifles belonging to the rebels. He values it as a souvenir of the war.

Deputy-Marshal Brown is to be rewarded with a gold watch as a reward for his good work during the rebellion.

Captain Griffith's wife and daughter, who have been in this city for some time, will soon leave for San Francisco.

Admiral and Mrs. Beardslee attended the service of the second congregation of St. Andrew's Cathedral Sunday morning.

Rev. S. K. Kaili and W. K. Hutchinson will be brought before the Military Commission today on charge of misprision of treason.

Mr. and Mrs. J. H. O'Neil left on the Mariposa for their home in St. Louis, Mo. Mr. O'Neil has had charge of the erection of the new mill at Ewa.

It is said that Mrs. Junius Kaas succeeded in working up considerable feeling among royalist sympathizers on Kauai during her recent trip there.

At 8 o'clock this morning a fire was discovered in the Opera House which completely gutted the building, leaving only the walls standing. It was insured.

The two silver-mounted rifles captured from the rebels and used by Robert Wilcox and Sam Nowlein, were sent to a gunsmith yesterday to be cleaned.

Master Cyril Tyler, who has been crowding the theaters of Australia for some months past with artistic violin performances, was a through passenger by the Mariposa.

The Gaelic will be due from Yokohama on next Saturday on her way to San Francisco. The Australia will be due on next Monday, followed one day later by the Oceanic.

The following persons have taken the oath of allegiance: H. B. Schroder, German; Harry Pierce, American; David Kanuha, Hawaiian; James J. Leach, George Overbeck and Ed. Sanstrom, American.

Detective Van Geisen returned by the Waialeale Saturday afternoon from Hawaii. He brought down a man named Dutton, who keeps a store at Lanipahoehoe, who is wanted to furnish some evidence the Government desires to obtain.

The Gray-Chapin Wedding.

Charles Bryant Gray and Miss La Vaucha Maria Chapin were married yesterday by Rev. H. W. Peck. The ceremony took place at Haalele Lawn, the parlors of which being beautifully decorated for the occasion. After the wedding a collation was served which was partaken of by a large number of friends of the young couple.

Mr. Gray is book-keeper for the Union Feed Company. His employers made him a substantial present.

Mr. and Mrs. Gray left for the Molokai to spend their honeymoon.

TEN CONSPIRATORS SENTENCED.

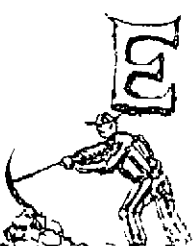
Bipikane, Poole, Palau and Clark Get Ten Years Each.

FINES REMITTED BY PRESIDENT.

Term of Sentences of Prisoners Date From January 26th.

BIPIKANE POSES AS A MARTYR.

Major George Potter and Marshal Hitchcock Read the Sentences. Widdifield and Lot Lane Plead Guilty and Get Light Sentences. Third Act in the Conspiracy Drama Played.



VEN now a number of those who took part in the recent but abortive attempt to overthrow the Republic of Hawaii by force and arms, are undergoing lengthy sentences, and will, before their time expires, have abundant evidence of the old and familiar adage that the way of the transgressor is hard.

Yesterday it became known that findings against ten of the natives concerned in the insurrection had been approved by the Commander-in-Chief. In accordance with the act recently passed by the Council,



JAILER JAMES A. LOW, WHO HAS CHARGE OF THE COLONY OF POLITICAL PRISONERS.

cils, giving the Marshal authority to carry out sentences inflicted by the Military Commission. Major McLeod, commanding First Regiment, National Guard Hawaii, was instructed to cause Solomon Kanai, Apeleham, Lot Lane, Thomas Poole, Robert Palau, J. W. Bipikane, Kilona, Joe Clark, William Widdifield and Ioela Kiakahi, prisoners under arrest on the charge of treason, to be transferred to the custody of the Marshal. After the formalities necessary to this end had been accomplished, the papers issued by President Dole containing the term of sentences of the convicted conspirators were placed in the hands of Major George C. Potter to be served.

About 4 o'clock yesterday afternoon that gentleman, in company with Marshal Hitchcock, repaired to Oahu prison and the sentences read to the guilty parties. The ten persons named above were brought into Jailer Low's office. They all appeared somewhat grave and anxiously awaited what they had good reason to expect from the visit of the officers. After the men had been drawn up in line Major Potter read the sentence of each in English. Marshal Hitchcock translated them into Hawaiian. The sentences were as follows and included hard labor in Oahu prison or other places in the Republic.

SOLOMON KANAI, eight years. APELEHAMA, seven years. LOT LANE, five years. THOMAS POOLE, ten years. ROBERT PALAU, ten years. J. W. BIPIKANE, ten years. KILONA, five years. JOE CLARK, ten years. WM. WIDDIFIELD, five years. IOELA KIAKAHI, eight years.

A fine of \$5,000 was added to each sentence by the Military Court, such a course being compulsory under the law defining treason, and of which the men were convicted. As the prisoners had no property from which the amount of the fines could be collected, the Commander-in-Chief exercised the prerogative allowed him and remitted the sums.

The terms of imprisonment date from January 26th.

While the sentences were being read the prisoners paid the closest attention, but with stolid countenances, with the exception of J. W.

Bipikane. He seemed more concerned than the rest and stood with bowed head and dejected mien, yet unmistakably of the appearance of a martyr.

The ten men condemned to hard labor were turned over to Jailer Low immediately after the ceremonies were concluded. They were all made to conform with the prison rules in their personal appearance and each donned a striped suit.

William Widdifield and Lot Lane, both of whom plead guilty and received sentences of five years, considered themselves fortunate, and at once took kindly to their new conditions in life.

The degrees of punishment meted out to the conspirators found instant favor among the people generally, though some were of opinion that Bipikane at least should have been summarily dealt with.

MANY CHANGES TO BE MADE.

Necessitated by the Erection of the Y. M. C. A. Gymnasium.

Old and New Buildings Will Be Joined, Giving No Indication That It Was Erected in Sections.

As previously announced in the ADVERTISER, the contract for the construction of the Y. M. C. A. gymnasium has been let, and Lucas Brothers, the contractors, will commence work as soon as possible. The addition to the present building will necessitate many changes, and in speaking of the alterations the Y. M. C. A. Review says:

The main addition, containing the gymnasium and class rooms, will entirely cover the large vacant lot adjoining the present building on Hotel street, and the bath rooms, lockers, etc., will be placed in a wing to be erected on the adjoining vacant lot on Alakea street. The porch will be changed, with a veranda extending along the whole front of the present building. The exterior of the additions will be the same as the present building; old and new will show alike, giving no indication that it was erected in sections. Owing to the shape of the vacant lot to be covered, the gymnasium will not be a perfect rectangle in outline, but will be somewhat irregular in shape, its average size being about 35x66 feet, with a height of 24 feet, and the room being clear of columns or other obstructions save a gallery at one end 14 feet above the floor, and reached by a stairway from the entrance hall of the present building.

The baths will be of the latest design, as also the lockers, nearly one hundred in number, are directly connected with the gymnasium also having an entrance from the main floor. The reading room will be removed from its present location to the south side of the present building, and will be 18x22 feet in size and have splendid light on two sides and shelf room on the other sides. The parlor will remain in its position, but will be enlarged by the addition of the office of the general secretary, which will become an annex to the parlor, connected by a large archway, and will be utilized as a game room.

The secretary's office will be moved across the entrance hall, and occupy a part of what is now the reading room. This office will be large and so arranged that the secretary can command a view of all who enter the building or are engaged in the gymnasium. The rear stairs to the audience room are removed, and the entire floor space made available. An entrance is had to the rear of the audience room by the stairs leading to the four class rooms over the gymnasium, and near this rear entrance to the audience room is placed a pantry, sink, etc., for use at social when refreshments are served. The windows now in the wall at either side of the rostrum will be changed to the south side of the room.

NOTICE TO LEAVE.

China Engine Company Will Have To Leave Their House.

For two years past China Engine Company has been connected with the Honolulu Fire Department as a volunteer body. It is the only company that represents the old regime, and the prospects are that it will soon dispose of its apparatus and disband. The company has been paid \$50 a month by the Fire Commissioners. This sum is to be cut off on the last day of March. The foreman of the company recently received a letter informing him of that fact. The commissioners also gave notification that they want possession of the engine house on the first day of April.

The house is a substantial structure and belongs to the Government. It will be used as headquarters for the chemical engine, which is kept at the Bell Tower at present. China Engine Company will meet tomorrow night to take action on the commissioners' notice.

A vote on the Nicaragua canal bill was scheduled to take place in the Senate on January 24th. Senator Morgan is confident the bill would pass.

President Cleveland intimates that he will call an extra session of Congress without delay unless the present one takes some action on the currency question.

SOME ANNEXATION RESOLUTIONS.

Introduced in Both the Senate and the House.

HAWAIIAN QUESTION A LIVE ISSUE.

A Tribute to Charles L. Carter—Cleveland's Policy Receives a Serious Raking The Attitude of England—The Davies Is Grieved by the News.

WASHINGTON, Jan. 24.—Another chapter to the Hawaiian question was added today, Allen of Nebraska presenting a resolution for annexation, and George of Mississippi making a speech supporting the administration's policy. Pritchard of North Carolina was sworn in during the day. The session closed with the rapid passage of twenty-one pension bills.

When the Senate was called to order, Mitchell of Oregon sought to secure the passage of a resolution calling on the Treasury Department for detailed information as to sugar bounty claims, but objection was made and the resolution went over.

Allen of Nebraska presented another Hawaiian resolution as follows:

"Resolved, that it is the sense of the Senate that the revolutionary government having now become the established government of the Hawaiian Islands, a wise and enlightened foreign policy requires that steps should be taken by this government without unnecessary delay to annex those islands to the United States as a part thereof, and that in the meantime the personal and property rights of American citizens in those islands should be protected by the presence of a sufficient naval force in Hawaiian waters."

The resolution went over until tomorrow.

The Hawaiian resolution of Lodge was then taken up, and George of Mississippi addressed the Senate in support of the administration's policy. He made a careful legal argument to show that there was no popular suffrage and no real republican form of government in Hawaii. George presented a table showing the number of days United States warships had not been at Honolulu during the last twenty years. It shows that United States ships have been there very little of the time during the last twenty years.

Cleveland's Queer Policy.

WASHINGTON, Jan. 21.—The Star of this city thinks that "the present policy of the President is the plan of Spreckels, and that Cleveland adopted it while yet president-elect, and before Walter Q. Gresham was ever thought of being called to the cabinet. President Cleveland is still playing the independent man, and strong efforts are being made to show that the President did not change front simply because Congress so severely criticised him. It is said that one reason why the President changed his mind so suddenly and determined to send a war ship to Honolulu was because he was informed by his supporters in Congress that strong action was in the minds of both houses, and that in order to prevent an open rupture it would be best to send a vessel to the islands as soon as possible, and that such a course would possibly modify the attacks that would undoubtedly take place."

"Not alone are the natives in the conspiracy, but the British authorities seem to be in sympathy with the ex-queen, and it is reported here that they went so far as to assure the royalists that they would recognize the revolution if they could seize and hold the government house for three hours. President Cleveland's action in the matter led the royalists to believe that the United States was in sympathy with them, and that he would probably recognize the Queen if they succeeded in restoring her, and because of this belief the overthrow was attempted."

Condemns Cleveland's Policy.

INDIANAPOLIS, Jan. 22.—Representative Stearns this morning offered a resolution condemning the foreign policy of the National Administration, and favoring the annexation of the Hawaiian Islands under the terms of the treaty adopted by the Harrison administration. He followed the resolution with a caustic review of Cleveland's policy. A motion to lay the resolution on the table was voted down and the resolution was adopted by a vote of 79 to 15, all of the Democrats present voting against it.

Grieved by the News.

LONDON, Jan. 21.—The Hon. Davies, who accompanied the Hawaiian Princess Kaiulani to the United States to protest against the overthrow of the Hawaiian throne, was asked today about the recent attempt to restore the monarchy. He said:

"I cannot make any statement. The time is past for this. I am deeply grieved by the last news from the Hawaiian Islands, and especially at the death of Mr. Carter, for whom I personally had a warm regard."

As Mr. Davies is the guardian of Princess Kaiulani, his remarks may be taken as evidence that the young woman has abandoned any idea of further claiming her rights. The Princess, through Mr. Davies, declines to speak.

Attitude of England.

LONDON, Jan. 22.—It is officially stated that the British Consular agent at Hawaii is maintaining an absolutely neutral attitude, and it is added that there is no foundation for the report that the Royalists, when they rebelled early this month, were assured by him that if they held the palace for three hours Great Britain would recognize them as the Government.

Tribute to Carter.

WASHINGTON, Jan. 23.—In the House, however, today, the recent revolt was again the cause of a little excitement when Pickler of South Dakota, taking advantage of the wide latitude allowed for debate when a committee of the whole under the five-minute rule, addressed the chair on the sundry civil bill and paid an eloquent tribute to the memory of Charles L. Carter, the young man who met his death while fighting for the government. The Republicans applauded Pickler earnestly, whereas the Democrats joined in the racket, their demonstration, however, being a trifle in the nature of a joke.

In the Supreme Court of the Hawaiian Islands.

DECEMBER TERM, 1894.

IN EQUITY.

BEFORE JUDGE C. J. BICKERTON, J., AND CIRCUIT JUDGE COOPER, IN PLACE OF MR. JUSTICE FREAR, ABSENT FROM ILLNESS.

KUAMU, LUKA AND MRS. C. E. CUMMINGS VS. MRS. NIAN LAUKA AND MRS. EMMA M. NAKUINA.

BILL TO REFORM A LEASE.

The plaintiff purchased a piece of land subject to a lease for 5 years unexpired, at the time being aware that there existed another lease for 20 years of same land to the defendants, alleged to have been obtained from plaintiff's grantors by fraud. One of the defendants demurs on the ground that the complaint fails to state a cause of action, and argues that a fraud cannot be assigned, and that plaintiff has no right of action. Held: That in this case the plaintiff has a right of action and demurrer is overruled.

Misjoinder of parties is a separate ground for demurrer, under the rule.

OPINION OF THE COURT BY BICKERTON, J.

The bill alleges that "a long time ago" Kuamu and Luka leased to Mrs. Nian Laukea a certain piece of land for the period of five years. That about the 1st of November, 1893, Mrs. Laukea went to Kuamu and Luka and told them that the lease was lost, and it not being recorded, asked to have a new lease made, when in fact the said lease was not lost and was of record in the Government Record Office. That Kuamu and Luka, believing Mrs. Laukea, consented to have a new lease made for the period of 5 years, rent \$75 per annum, payable semi-annually in advance; said new lease was made to the defendants and acknowledged but no copy of the same was given to said Kuamu and Luka. That the said Kuamu and Luka are aged and feeble minded and believed the new lease was made exactly like the former one, but they now discover that the new lease was for twenty years, and the rent not payable in advance; that the defendants fraudulently took advantage of these old people. That since this last lease Kuamu and Luka have sold the land in question to the complainant, Mrs. C. E. Cummings, and were paid a proper consideration for the same. And prays that the lease may be delivered up and cancelled, and a new lease executed in accordance with the terms of the original agreement.

To this bill the defendant, Mrs. Laukea, filed an answer, but Mrs. Nakuina demurs to plaintiff's complaint on the ground that the complaint, so far as she is concerned, fails to state a cause of action. The demurrer was argued on November 22d, 1894, before Judge Whiting, First Judge-Circuit Court First Circuit, who on December 1st, 1894, filed a decision sustaining the demurrer of defendant Mrs. Nakuina. And the matter now comes here on appeal from that decision.

The rules of the Circuit Court under the head of pleadings, on page 2, provides that "demurrers must distinctly specify the grounds upon which any of the objections to the petition or complaint are taken. It may be taken to the whole complaint or to any of the causes of action stated therein." The third ground named that shall be considered separate ground for demurrer is, "That there is a defect or misjoinder of parties plaintiff or defendant."

The demurrer in this case does not allege as a cause of demurrer the misjoinder of parties, but simply alleges for cause "that said complaint, in so far as this defendant (Mrs. Nakuina) is concerned, fails to state a cause of action." The misjoinder of parties is referred to in the decision of the lower Court, but the point not being raised in the demurrer on file, as required by the rule above cited, we do not consider it, or pass upon it directly.

The alleged fraudulent lease which is made part of the bill, discloses that Mrs. Nakuina is one of the lessees and executed the said lease; she is therefore a party in interest and a party to the transaction. The fact as to whether she was a party to the fraud, or whether she knew of it, is something that can only be developed on the hearing of the case. The fact that Mrs. Cummings knew of the alleged fraud at the time she purchased the land does not in our opinion cut any figure in this case; she was informed of the first lease which she knew the land was subject to; she also knew of this alleged fraudulent lease which was a cloud on the title or incumbrance on the land, which she would have to remove before she could get possession of the land at the end of the first lease. If the second lease was a fraud, then the only legal encumbrance on the land was the first lease. "Reformation is appropriate, when an agreement has been made, or a transaction has been entered into or determined upon, as intended by all the parties interested, but in reliance on such transaction to writing, either through the mistake of both parties, or through the mistake of the plaintiff accompanied by the fraudulent knowledge and procurement of the defendant, the written instrument fails to express the real agreement or transaction. In such a case the instrument may be corrected so that it shall truly represent the agreement or transaction actually made or determined upon according to the real purpose and intent of the parties."

made or determined upon according to the real purpose and intent of the parties."

Pomeroy's Eq. Jur. Vol. 2, sec. 870, p. 344.

The above is exactly the case at bar. It is contended by the defendant Mrs. Nakuina, that the plaintiff Mrs. Cummings, has no right of action on the ground that a party cannot assign a fraud. Generally that would be the law; but this case can hardly be classed as an assignment of a bare right to file a bill in equity for a fraud committed upon the assignor, if it were it would be held void.

See 2 Story's Eq. Jur. sec. 1040, p. 234.

In Whit's Actions and Defenses at page 478 we find the following laid down: "The executor of a party defendant may file a bill to have a transaction set aside."

Walsham v. Stainton, 1 De G., J. & S., 678.

"A devisee may file a bill to set aside a transaction which has been fraudulently obtained from his testator."

Harrison v. Guest, 6 De G., M. & G., 424.

"The heir at law of a person seized in fee may maintain a suit to set aside a transaction into which his ancestor has been induced by fraud to enter."

Gresley v. Mousley, 4 De G., J. & S., 78.

We believe the principle to be, that where the original holder of the title could have maintained an action for the purpose of setting aside a fraudulent deed, then upon the transfer of the fee, whether by descent, demise or purchase, the devisee, heir at law or grantee is clothed with the same right.

There is a wide difference between the assignment of a bare right to bring a bill to rectify a fraud committed upon the assignor, and an absolute conveyance of the thing the possession of which has been the object of the fraud. In the first instance such a right cannot be assigned so as to be enforceable either at law or in equity, while in the latter case the right becomes attached to and incidental to the ownership of the property. The distinction, then, is between the unconditional conveyance of the property itself, and the transfer of a mere right to sue; in the first case the action is maintainable, in the second not.

See Dickinson v. Burrell, 1 Law Rep. Eq. Cases, 337.

McMahon v. Allen, 35 N. Y. 403.

Gruber v. Baker, 9 Lawyers' Reps. 308.

It is claimed that the plaintiffs took the deed of the property with notice of the alleged fraudulent lease, and are therefore not bona fide purchasers to that extent.

We do not think that this position can be maintained in this case. A purchaser takes his conveyance subject to all valid outstanding titles and equities, of which he has notice, but this does not, in our opinion, extend to either void or voidable rights of other parties, which exist as a cloud upon the title.

This is not an action brought against a grantor or those lawfully claiming under him, but by a grantee, upon whose grantor an alleged fraud has been perpetrated the result of which now stands against the plaintiff's title.

The demurrer should be overruled and it is so ordered.

W. C. Achi for plaintiffs; J. L. Kaulukou and E. Johnson for defendant Nian Laukea; W. A. Kinney for defendant E. M. Nakuina.

Dated Honolulu, February 6, 1895.

LEASE OF VALUABLE CITY PROPERTY AT AUCTION.

On Saturday, February 16, AT 12 O'CLOCK NOON.

I will sell at Public Auction, at my Salesroom, Queen street, all the right, title and interest of Lan Akau in the lease of Malie Kahai w., (deceased) to himself of

Premises Situated ON THE North-west

Side of Maunakea Street, Honolulu.

The lot has a frontage of 110½ feet on Maunakea street.

There are a number of Buildings on the lot which are sub-leased or rented to various tenants, bringing in a rental of \$80 to \$100 per month. The lease expires July 1st, 1906.

Terms Cash. U. S. Gold Coin. Deeds at purchaser's expense.

Jas. F. Morgan,

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\$5500. A CHOICE TRACT OF KONA, within one hour's ride from the landing at Kealahou Bay, the large portion of this is fine coffee land, about 140 acres can be plowed. An unfailing spring and running stream on the land. Twenty-five acres already cleared and about two acres now planted in coffee, which is nearly all surrounded by good stone walls and are well fenced. Pasture of ten acres and a house, one on road with house and garden. Over sixty head of cattle of which about thirty are fine and well bred of good pedigree. Several horses and mares and about forty hogs. For full particulars apply to A. B. LORBERSTEIN, 864-4-11-12 H.

Agents for the Hawaiian Island
N. **DOORWICK**

SHARP TALK IN THE SENATE.

American Lawmakers Devote Much Time to Hawaiian Matters.

THE RECALL OF THE WARSHIPS.

Senator Lodge intimates That It Was Done at the Instance of the Royalist Delegates—Attacks Admiral Walker and Called Down—Three Resolutions.

WASHINGTON, Jan. 21.—Minister Thurston of Hawaii occupied a front seat in the diplomatic gallery of the Senate when the session opened today.

Lodge speedily brought forward the Hawaiian question by presenting the following resolutions:

Resolved, that the Senate heartily approves the dispatch of a war ship to the Sandwich Islands on Saturday last and is of the opinion that an American man-of-war should be kept at Honolulu.

Resolved, that prompt measures should be taken to construct or cause the construction of a submarine cable from San Francisco to Honolulu and that no part of the rights and privileges secured to the United States and the Hawaiian Government should be abandoned or waived in order to enable any other government to secure a foothold or lease upon any part of the Hawaiian Islands.

Resolved, that in the judgment of the Senate, immediate steps should be taken to secure possession of the Sandwich Islands by their annexation to the United States.

Lodge asked immediate consent for the consideration of the measure.

"Let it go over," interposed Mr. Blackburn. The presiding officer construes this as an objection, and under the rules the resolution went over until tomorrow.

The Hawaiian subject was again brought to the front by Frye, who called up his resolution presented Saturday, expressing the profound regret of the Senate at this latest effort to restore the Queen.

Gray urged that the United States Senate was not a missionary meeting to express sentimental feeling on the aspirations of well-intentioned people. He regarded the reports of the last revolution as long-winded. He regarded the event as far less important than the Brooklyn car strike.

Gray commented on the unwarranted course of Admiral Walker in reporting at length on political phases in Hawaii. "It is a serious thing for a Senator to make a statement in reply to the President of the United States is a sort of a 'No. 6 fiddling while Rome burns,'" declared Gray.

Frye asked if the United States Minister at Hawaii had not requested the presence of a war ship at Honolulu.

Gray said he had no information on that point but he read from Minister Willis' official dispatch to Secretary Gresham, received on Saturday, stating that President Dole had expressed satisfaction that no foreign war ship was present during the recent revolution.

Frye interposed the statement that President Dole's remarks were evidently designed to express his satisfaction at being able to maintain the present government without any foreign forces being in the islands.

Gray urged that Admiral Walker, "who was certainly a swift witness for this oligarchy," had himself reported that the present Government could sustain itself without outside help.

Gray criticized the statements of Mr. Lodge that the presence of the Japanese cruiser Emerald in Hawaii should create apprehension. These critics of the administration had been compelled to give up the fear of Great Britain and turn to Japan. Lodge had found that Great Britain had no concern in the subject. The Senator from Massachusetts (Lodge) had evidently lost great opportunities to twist the tail of the British lion, and was now compelled to turn to Japan. During Mr. Gray's reference to Admiral Walker, Mr. Lodge rose to ask as to the justification for these references against the distinguished naval officer of being "a swift witness," etc.

"That is no inference," said Gray. "That is a direct, positive statement. While I fully recognize the ability of Walker as a gallant officer, I also recognize that he shares the predictions of his predecessors for conquest in the matter of cooling stations in the Pacific, and that the real reason for maintaining a vast naval armament is part of the Admiral's profession."

Chandler asked as to the movements of the Philadelphia and Charleston. He remarked that Gray was regarded as fully qualified to speak for the administration. This evidently settled Gray, who suggested that if the Senator would call at the executive mansion he would undoubtedly receive such information as he desired. He (Gray) made no claims to executive information. The Senator from New Hampshire, having once been Secretary of the Navy, perhaps shared in this spirit for conquest and aggrandizement.

Chandler smiled, and continued to question Gray as to the inference to be drawn from his remarks that the withdrawal of the American warships was in order to give the Queen an opportunity to restore her to the throne.

Gray indignantly denied that his remarks could be given any such construction. He urged that the present Hawaiian Government was not in reality a government. It was a tentative de facto organization.

This brought Hawley (Republican), of Connecticut, to his feet with the remark that it might account for President Cleveland's action last August in dealing with a delegation of royalists who came to Washington.

"It is a misrepresentation of the President of the United States to say that he dealt with the royalists," responded Gray, with much force. "The President had not conferred with the royalist delegation. He had refused to see them officially."

Frye said he desired action. He had hoped on Saturday to cable the young Hawaiian Republic that the American people—who made and unmade Presidents—were profoundly in sympathy with its struggles. He had hoped some-

thing would go by the vessel leaving San Francisco today. He asked an immediate vote.

Mills of Texas objected to such speedy action.

"Then I give notice," said Frye, "that the resolution will be advanced by every possible means from this time forward."

"That is what we want," said Mills. "We want the resolution fully debated." Frye added to his previous notice that he would call up the Hawaiian resolution tomorrow, and he concluded in response to Chandler's suggestion that the resolution might lose its place. "We will then be strong enough to take it up."

Three sets of resolutions on the Hawaiian question were today introduced in the House and referred. The first one was by Breckinridge (D.) of Kentucky, favoring annexation. The second, by Storor, calls on the President for information relative to the report that the rebellion in Honolulu was incited by British subjects, and that the British Minister intervened to prevent the application of martial law. The third, by Breckinridge (D.) of Kentucky, calls attention to the crisis successfully passed through during the past week by the republics of France and Hawaii, and offering congratulations on their ability to maintain order and preserve peace.

WASHINGTON, Jan. 22.—The policy of the administration as to Hawaii was again the subject of sharp attack and defense in the Senate today. The personal elements in the controversy drew large crowds to the galleries, which at times overflowed into the outer corridors.

It indicated the diminution of public interest in Hawaii, now that the course of the administration is the main question of discussion. Mr. Gray and Mr. George justified the administration, and Gray dwelt upon the persistency and vindictiveness with which the President was vilified and misrepresented.

Lodge and Hawley made the critical speeches of the day, the former urging the extent of the foreign British aggression in the Pacific, while Mr. Hawley made pointed comment on the consideration given to ex-Queen Liliuokalani's representatives who visited the State Department after the United States had formally recognized the Hawaiian Republic.

Thurston of Hawaii was again in the diplomatic gallery, accompanied by his secretary, Mr. Hastings. The subject came up on Kyle's resolution, which is one expressing generally the disapproval of the Senate in the action of the administration in withdrawing war ships from Hawaii.

Gray (D.) of Delaware again took the floor to further answer, he said, the flimsy attacks made in the Senate against the Administration. The Senator referred to the statement by Senator Hawley made yesterday as to the President seeing the royalist delegation which visited Washington last August. Mr. Gray reiterated that the President had never seen these delegates, being sick at the time.

"Are you prepared to say that they never saw the Secretary of State?" asked Frye.

Gray said he had no information on that point.

Hawley rose to reply, holding in his hand a newspaper slip containing President Cleveland's authorized statement of the facts concerning the royalist delegates.

Hawley said he had not intended to maintain that a personal interview between the President and the royalists had occurred. He was reliably informed that there had been no personal interview, but continued reading from the President's statement to show that the royalist delegates had seen Secretary Gresham. It should be kept in mind that these delegates were the representatives of those conspiring to restore a deposed queen. They were in Washington either as conspirators against the existing Government of Hawaii or else they were here on an honest mission. If it was honest they ought to have been referred to the Hawaiian Minister. If they were conspirators they should not have been received by Gresham.

Hawley read from the letter of the royalist delegates to the Secretary of State: "We, the undersigned Commissioners, sent by the deposed queen, request an interview with the President."

"Just think of the audacity," said Mr. Hawley. "Think of this request of our Secretary of State after we had formally recognized the Government of Hawaii." The Senator said he desired to make no personal arraignment of the President, but he (Hawley) believed the President's whole course on Hawaii had been wrong.

Gray again answered the criticisms upon the President. He said these attacks were so constant, the animus so evident, that it was perhaps useless to controvert them. Some people seemed determined to attack the President whatever the subject be. If he sat down he was too long; if he stood up he was too short. These critics were bound to find fault. The President's letter to the royalist delegates was purely unofficial. It was part of the course by which the President with a strong hand was endeavoring to conduct business. The Senator declares this agitation and this talk of keeping war ships at Honolulu was kept up largely by the "schemers for annexation," who thought it would help their cause.

The Samoan question was unexpectedly interjected into the debate at this point. Gray referred to the fact that the United States was now bound by international agreement to keep a barbarous king in power in Samoa. It would not do to declaim against a barbarous queen, when we at the same time were protecting such a king. Mr. George declared the Hawaiian Government was republican only in form. It was a government of force. It had been established by force and was now maintained by force.

Lodge presented a new phase of the subject by submitting a long list of the islands in the Pacific which Great Britain had gradually absorbed. In pursuance of a settled policy England was taking every foot of territory she could lay her hands on. They were now trying to get Necker island, of the Hawaiian group. This was part of the British policy of aggression.

The British influence was back of the royalist element in Hawaii. The heir to the throne was Princess Kaiulani, daughter of an Englishman, and now being educated in England. Her guardian, Theophilus Davies, was an English sympathizer, and was to some extent identified with the recent uprising of the royalists.

The arms used in this uprising were bought by an Englishman, declared Lodge. "They were shipped in a British ship from a Canadian port. The instructors were largely English-

men. When the Alameda left Hawaii fifteen Canadians were under arrest and the British Minister was interfering in their behalf. This," said Mr. Lodge, "made the case that British influence was behind the royalist element in Hawaii."

The Senator proceeded to criticize the action of the administration in taking the ships from Honolulu and then conferring with the royalist delegates who came to Washington. Lodge thought it a peculiar incident that the war ships were withdrawn just at the time when the royalists were in Washington. The present administration was openly and avowedly opposed to the existing Government of Hawaii. The speeches of Senators in defense of the administration were in support of the royalist element in Hawaii. It was time for action by Congress. It was no longer a question of the new or the old Government of Hawaii, but a question of maintaining American interests in Hawaii. The Senate had heretofore passed a resolution stating that any foreign occupancy of Hawaii would not be tolerated by the United States. This was a threat to the rest of the world. It created a responsibility on the part of the United States. It should impel us to uphold the existing Government because it represented American interests and American spirit against foreign sentiment.

Lodge closed with an impassioned protest against the pulling down of the American flag when it had once been raised.

Kyle gave figures from the latest Hawaiian year book, showing the many millions of American capital invested in Hawaii.

"How much of that is held by one man—Claus Spreckel?" asked Gray.

Kyle did not have the figures as to Spreckel. This closed the Hawaiian debate for the day.

WILCOX WAS TO LEAVE.

He Was Going to China For a Military Position.

Robert Wilcox has a brother-in-law in San Francisco. He is Count Sobrero and is a bookkeeper in a fishstore. Wilcox sent him the following letter some time ago:

My Dear Brother:—I leave for China the 22d of January. Shall go by Shanghai to Canton. I hope to get a military position there. It is not time for you to come yet, but if I get my position will get you one. I think we shall soon have another revolution in Hawaii. Will know for sure later on. Your affectionate brother-in-law.

ROBERT.

Robert Laing, who has had charge of the Sailors' Home for some time, has resigned.

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There are a great many homes having zinc-lined bath tubs that are in good condition with this one exception: they lack the features of a porcelain lining. How to overcome this without going to the expense of getting a new tub, has been a question that has worried a great many.

One pot of our WHITE ENAMEL PAINT will do the work, forming as it does a GLOSSY SURFACE, almost equal in hardness and durability to that of porcelain itself, being at the same time hardly distinguishable from porcelain.

Consult your physician and he will tell you by all means to paint your bath tub with Enamel Paint.

The KEYSTONE EGG BEATERS are little gems. Try one if you want your eggs quickly and thoroughly beaten.

We also call your special attention to our economical BARREL and CYLINDER CHURNS, they are easy workers, have all sizes and prices.

We have a handy CLOTHES DRIER, having ten arms made to fasten on the wall, when not in use by a simple pull these arms fold up like a fan, thus taking up but little room.

Remember we sell Standard Oil Co.'s PEARL OIL at \$1.80 per case, C. O. D., delivered to any part of the city free.

CASTLE & COOKE LTD
IMPORTERS.
Hardware and General Merchandise

WAR IN THE ORIENT.

Chinese Officials Display Bitter Feeling Against Foreigners

London, Jan. 24.—The Central News correspondent at Chefoo telegraphs that the Japanese have landed at Ninghai, twenty miles from Chefoo, and intend surrounding Wei-Hai-Wei. The British gunboat Redpole has gone to War-Chow at the request of the British consul at that place. It is reported that a missionary woman has been beaten there by natives and the Chinese officials display a bitter feeling against foreigners. The flag ship of Admiral Fremantle is lying off Wei-Hai-Wei watching operations.

A dispatch to the Pall Mall Gazette from Chefoo says that the Chinese claim to have repulsed the Japanese in the vicinity of Wei-Hai-Wei, capturing nine guns.

SHANGHAI, Jan. 24.—General Nodzu reports that on the 17th a Chinese force 8,000 strong, under General Chang, attacked Hai-Chang.

A battle ensued with the Japanese right wing, consisting of 6,000 men, under General Yi, and the Chinese were defeated, leaving on the field twenty-one dead and 100 wounded.

They are now camping at Chang-Hatai, having retreated north of Wuta-Chang with a view of obtaining reinforcements from the General commanding at Shan-Hai-Kwan.

The death of Prince Arisugawa Tabuhto, president of the general staff of the Japanese army, was announced yesterday. The Prince succumbed to an attack of typhoid fever. He will have a state funeral.

Prince Arisugawa will be succeeded as chief of staff by Field Marshal Prince Komatsu, now in command of the Imperial Guard.

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AND
The Happiness After Taking
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much good and now I cannot praise the medicine too much for what it has done for me. I am a disabled soldier 69 years old and was afflicted with many ailments, including kidney, bronchitis, and catarrh. Since using 6 bottles of Hood's Sarsaparilla I am like another man. In fact I think Hood's Sarsaparilla saved my life." R. E. Bishop, Box 400, Hammon, N. J.

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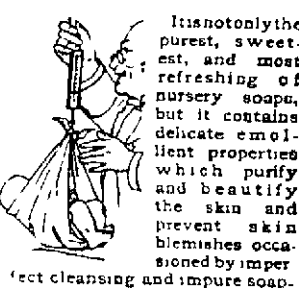
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